

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 3, 5-10 and 15 are pending in this application. Claims 1 and 10 are amended different from the amendment submitted in the August 27, 2010 Amendment for clarification purposes. Claim 15 is newly added. Support for claim 15 can be found at least in paragraph [0033] of the specification as filed. Therefore, no new matter is added.

Furthermore, upon review of the enclosed Amendment and discovery of any additional references after further search and/or consideration, Applicants respectfully request that the Examiner contact Erin G. Hoffman, Reg. No. 57,752, to discuss the newly found references and/or possible claim amendments that may place the application in condition for allowance.

Examiner Interview

Applicants appreciate Examiner Srivastava and Examiner Weber's time during the interview conducted on August 3, 2010. During the interview, Applicants summarized the major difference of the present invention over the cited references stating that none of the cited references disclose "drying organic matter to a dry solids content of at least 70% by weight total solids (TS) and subsequently pelletising the same" as recited in claim 1. In particular, Applicants submitted that the comments of the Examiner focus completely on the drying of material, without giving any consideration to the fact that claim 1 also recites that the material is pelletized, and none of the cited references disclose the pelletizing feature of claim 1.

The Examiner indicated further amendments to claim 1 would be helpful and tentatively agreed that amending the claims as shown in the preceding section of this amendment may overcome the current rejection. Applicants submit the claim amendments were prepared consistent with the Examiner's suggestions and thus, are believed to overcome the current rejections as detailed below.

Rejections under 35 U.S.C. § 103

Kanai in view of Zhang and Fischer

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,386,159 to Kanai et al. (hereinafter "Kanai") in view of U.S. Publication No. 2002/0102673 to Zhang et al. (hereinafter "Zhang") and further in view of U.S. Patent No. 4,252,901 to Fischer et al. (hereinafter "Fischer"). Applicants respectfully traverse this rejection for the reasons detailed below.

Claims 2 and 4 have been cancelled, and therefore, the rejection of claims 2 and 4 is now moot.

The Examiner admits the fact that neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest a drying step but states in point (ii) of page 4 of the Office Action that drying is an obvious process step which does not alter the properties of the material and which is hence not inventive. Applicants respectfully disagree.

Applicants submit that neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest "grinding and mixing the pelletised organic matter with a liquid to form a slurry, wherein the pelletized organic matter is ground such that at least 80% by weight of the organic matter obtains a particle size of 0.5-3 mm" as recited in amended claim 1. Applicants enclosed two articles in the August 27, 2010

Amendment that demonstrate the unexpected results of grinding a material as recited in claim 1.

The first article "Effect of particle size on biogas yield from sisal fibre waste" illustrates that fiber degradation is improved when fibers are ground to 2 mm size (see Abstract, lines 5-6). Furthermore, paragraph 3.1 (page 2389) further describes that particle size reduction has a significant effect on degradability of sisal fiber wastes (SFW). Further, an improvement in methane yield is demonstrated in paragraph 3.2 (also page 2389), and in particular in Figure 1b and Table 2, where it is clearly shown that fibers of 2 mm size are surprisingly more efficient than fibers of 5 mm size as regards methane production.

The second article, "Thermal pre-treatment of cellulose rich biomass for biogas production" also illustrates the unexpected results of the grinding step of amended claim 1. On page 35, just above Figure 8, the second article states that: "However, the total potential of the coarsely chopped untreated oat straw was found to be significantly lower than for the finely grinded untreated oat straw [$p=0.006$]."

Furthermore, Applicants maintain the position that none of the cited references or the articles enclosed disclose grinding pelletized organic matter as recited in claim 1, nor do the references provide any evidence of benefits to the processes in Kanai, Fischer and Zhang to include the aforementioned step.

Therefore, Applicants respectfully submit that grinding the pelletized organic matter such that at least 80% by weight of the organic matter obtains a particle size of 0.5-3 mm as recited in claim 1 provides unexpected results with regards to fiber degradation.

Regarding the combination of Kanai, Fischer and Zhang, Applicants submit that a person skilled in the art might be motivated to use some other types of farm waste when preparing the “juice like liquid” as taught by Kanai. However, it is unlikely that a person skilled in the art would consider to utilize, for example, “grains” as taught by Fischer (col. 3, line 17) or “rice straw” as taught in Zhang (see paragraph [0014]), because those materials would make the preparation of a “juice like liquid” very difficult. As such, Applicants submit that combining Kanai with Fischer and/or Zhang would not be obvious, because such a combination is likely to deteriorate the technical effects of the “juice like liquid” in Kanai. See MPEP 2143.01 “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification”. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Therefore, Applicants submit that neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest “grinding and mixing the pelletised organic matter with a liquid to form a slurry, wherein the pelletized organic matter is ground such that at least 80% by weight of the organic matter obtains a particle size of 0.5-3 mm” as recited in claim 1 for the aforementioned reasons.

With respect to claim 2 and newly added claim 15, Applicants also submit that neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest the dried and pelletised matter being ground before being mixed with said liquid to form the slurry as recited in claim 2, nor the dried and pelletised matter being mixed with said liquid to form the slurry before being ground as recited in claim 15 for similar reasons.

Claims 3-10, dependent on independent claim 1, are patentable for the reasons stated above with regards to claim 1 as well as for their own merits.

The Applicants, therefore, respectfully request that the rejection to Claims 1-10 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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